

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@mercindia.org.in
Website: www.mercindia.org.in**

Case No. 24 of 2012

Dated: September 05, 2012

CORAM: Shri V. P. Raja, Chairman

In the matter of: Determination of Compensation/Charges pursuant to Hon'ble Appellate Tribunal's Judgement dated 16th December 2011 in Appeal No 39 of 2011.

And in the matter of:

The Mula Pravara Electric Co-Operative Society Ltd., (MPECS)
Shrirampur,
Dist. Ahmednagar
Vs.

..... Petitioner

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)
Prakashgad, Bandra (East),
Mumbai 400 051.

.....Respondent

Advocate/ Representative for Petitioner Shri. Bhavesh V. Panjuani (Advocate)

Shri. Gunjan Jaikar (Advocate)

Shri. Rakesh Mandark (Advocate)

Ms. Hetal Bhatt (Advocate)

Ms. Pari Mohan (Advocate)

Shri. J. G. Karpe, MD, MPECS (Representative)

Advocate/ Representative for Respondent : Shri. Kiran Gandhi (Advocate)

Shri. C.A. Gadre, G.M. (Comm) (Representative)

Dr. M. S. Kele, CE (Comm) (Representative)

Daily Order

This matter was heard on 9th August 2012 by the Member and Chairman. Both the parties were directed to submit their stand on whether Case No 85 of 2010 and 87 of 2010 should be kept in abeyance till the matter in Case No 24 of 2012 is finally disposed of. The Respondent was directed to update the Commission on the status of valuation of the assets of the Petitioner. The Petitioner was directed to submit audited accounts for the last three years. The Petitioner was also directed to explain as to how the methodology of valuation and determination of wheeling

charges as proposed by the Petitioner, could be accepted. The Commission had directed that the aforesaid submissions be completed by both the parties by 23rd August 2012 and rejoinders be filed by 30th August 2012. The matter was posted for further hearing today.

The Chairman heard the Advocates of the Petitioner and the Respondent as the Member is on leave.

The Advocate for Petitioner submitted that reply submissions are being shortly filed in response to various issues raised by the Respondent on Affidavit. Advocate for the Respondent stated that he also needs to reply to any submissions that are being filed by the petitioner.

It is noted, after hearing the parties and on preliminary perusal of the submissions that have been filed, that though the Petitioner has filed a submission containing the methodology for determination of charges, the same is used normally for determining wheeling charges for existing distribution licensees. Hence, such a methodology as proposed may be referred to, to set the boundary conditions for determination of charges for use of assets of the Petitioner by the Respondent, but it is necessary to undertake the valuation of assets of the Petitioner for a proper and appropriate determination of charges payable by the Respondent for using the assets of the Petitioner for supplying electricity to the consumers in erstwhile MPECS area.

Therefore, the Respondent is directed to complete the valuation of assets of the Petitioner at the earliest.

However, interests of justice and expediency as well as the Hon'ble Tribunal's aforesaid judgement would require the Commission to issue some interim relief to the Petitioner. Since, the requirements of quorum under the Conduct of Business Regulations of the Commission cannot be fulfilled, the matter stands adjourned to **Wednesday, 3rd October 2012 at 1000 hrs**, for hearing by the full bench / strength of the Commission. Parties are directed to file their submissions if any, latest within two weeks hereof.

The aforesaid interim relief on charges payable to the Petitioner, will be issued, as far as possible, by an order of the Commission, soon after the next date of hearing.

The Respondent has already been directed to expedite the valuation of assets of the Petitioner. It is expected that the same will be taken into account to revisit the aforesaid interim relief of interim charges.

As regards the matters in relation to the aspect of reconsideration of grant of license, the matters shall be heard on **Tuesday, October 16, 2012 at 1100 Hrs**. Both the parties in Case No. 85 of 2010 and 87 of 2010 are directed to complete their pleadings by 30th September 2012

Sd/-
(V. P. Raja)
Chairman